

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO, AND THE PUERTO RICO PUBLIC BUILDINGS AUTHORITY,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

INFORMATIVE MOTION OF FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO REGARDING WITNESSES APPEARING AT CONFIRMATION HEARING ON NOVEMBER 8, 2021

Pursuant to the Court’s *Second Amended Order Regarding Procedures for Hearing on Confirmation of Plan of Adjustment* [ECF No. 19012-1] (the “Confirmation Hearing Procedures Order”), the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA”) pursuant to section 315(b) of

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² files this informative motion regarding the witnesses it intends to call on behalf of the Debtors at the hearing to consider confirmation (the “Confirmation Hearing”) of the *Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* [Case No. 17-BK-3283-LTS, ECF No. 19053] (as it may be amended, modified or supplemented, the “Plan”):

1. On October 27, 2021, in accordance with the Confirmation Hearing Procedures Order, the Debtors filed the *Informative Motion of Financial Oversight and Management Board Regarding Pretrial Conference and Confirmation Hearing* [ECF No. 18839] (the “Debtors’ Pretrial Informative Motion”). In the Debtors’ Pretrial Informative Motion, Christina Pullo, Managing Director of Prime Clerk LLC, among others, was identified as a witness on Debtors’ Exhibit B Party Witness Cover Sheet.³ See Debtors’ Pretrial Informative Motion at 20.

2. On November 3, 2021, in accordance with the *Order Granting Modification of Certain Deadlines in Solicitation Procedures Order and Confirmation Procedures Order* [ECF No. 18258], Ms. Pullo’s declaration in respect of confirmation of the Plan (the “Voting Tabulation Declaration”) was filed. See ECF No. 19056.

3. At the November 8, 2021 session of the Confirmation Hearing, following the conclusion of parties’ opening statements, the Oversight Board intends to call Ms. Pullo as a witness in respect of confirmation of the Plan.

4. Pursuant to the Confirmation Hearing Procedures Order, all parties intending to cross-examine any declarant or present testimony at the Confirmation Hearing were directed to

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

³ The Debtors had previously identified Ms. Pullo as a witness at the Confirmation Hearing in its various witness lists filed with this Court. See *Debtors’ Preliminary List of Witnesses to be Offered in Support of Confirmation of Plan of Adjustment* [ECF No. 17679] ¶ 1(4); *Debtors’ Amended List of Witnesses to be Offered in Support of Confirmation of Plan of Adjustment* [ECF No. 18094] ¶ 2(4); *Debtors’ Final List of Witnesses to be Offered in Support of Confirmation of Plan of Adjustment* [ECF No. 18683] ¶ 5(4).

identify in their own pretrial informative motions the witness(es) they intended to cross examine, the factual issue(s) to which the proposed cross-examination would relate, the subject matter of the testimony and its relevance to the factual issue(s), and the time requested for such cross-examination. *See Confirmation Hearing Procedures Order ¶ 4(a).*

5. As of the October 27, 2021 at 1:00 p.m. (AST) deadline to file pretrial informative motions set forth in the Confirmation Hearing Procedures Order, no party in interest identified Christina Pullo as a witness for cross-examination. Further, as of the time of this filing, no party in interest identified Ms. Pullo as a witness for cross-examination.

6. The Oversight Board reserves all rights, including the right to call other witnesses designated on the Debtors' Pretrial Informative Motion, at the Confirmation Hearing. The Oversight Board will notify the Court and all parties in interest of such witnesses pursuant to the terms set forth in the Confirmation Hearing Procedures Order and any other instructions given by the Court.

[Remainder of Page Intentionally Left Blank]

Dated: November 5, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Margaret A. Dale

Martin J. Bienenstock (*pro hac vice*)

Brian S. Rosen (*pro hac vice*)

Margaret A. Dale (*pro hac vice*)

Julia D. Alonzo (*pro hac vice*)

Laura Stafford (*pro hac vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

Attorneys for the Financial Oversight and Management Board as representative for the Debtors

/s/ Hermann D. Bauer

Hermann D. Bauer

USDC No. 215205

O'NEILL & BORGES LLC

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

Co-Attorneys for the Financial Oversight and Management Board as representative for the Debtors

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer